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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,375	11/12/2003	Jonathan Paul Brennan	9098	6385

27752 7590 10/06/2005

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,375

Applicant(s)

BRENNAN ET AL.

Examiner

Donald Loney

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,11 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II in the reply filed on July 21, 2005 is acknowledged. The traversal is on the ground(s) that the product can only be made by the method recited and no additional burden would be placed upon the examiner to examine the process. This is not found persuasive because the article can be made by a materially different process as indicated in the restriction and examining the process would require a separate search in the process art.

The requirement is still deemed proper and is therefore made FINAL.

Specification

2. The disclosure is objected to because of the following informalities: On page 6, line 7 there is a circled comma.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by either Zander (6030331) or Takeuchi et al (6054202).

Both references teach a textured, spunlaced (i.e. spunbonded or hydroentanglement), nonwoven web. The web can include compositions per claim 11.

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Refer to column 5, lines 47-53 and column 6, lines 13-21 in Zander. Refer to the Abstract, figures 1, 2 and column, 4, lines 37-45 and column 5, lines 30-38 in Takeuchi et al. The examiner notes that these claims need to be in independent form since they depend upon non-elected process claims.

5. Claims 10, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Trokhan et al (5895623).

Trokhan et al teaches a hydroentangled web comprising fibers of .04-2 inches (1-50.8mm). The web has a valley and land area (the dark area in figure 5) configuration. The area of the valley is disclosed as being greater than 0.1mm^2 to more than 7mm^2 . The examiner notes that Trokhan et al refers to these areas as apertures, however, in column 11, lines 63-65, it is disclosed that the apertures have few fibers extending there over. Therefore, the examiner deems this to read upon applicants' valley region as recited since there would at least be a few fibers therein in order to form a valley region as recited. Refer to column 4, lines 23-39, column, 5, lines 27-33, column 10, lines 55-63, column 12, lines 58-67 and column 13, lines 16-22. This rejection was made to specifically address claims 18 and 19, which contain a fiber length and area of the valleys.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daponte (4863779) in view of Trokhan et al.

Daponte discloses a spunlaced web containing square valleys 26 with an area of 3.18mm^2 ($1.59\text{mm} \times 1.59\text{mm}$). Daponte does fail to teach (is silent thereto) the specific length of the fibers as recited.

Trokhan et al discloses that the recited length fibers are known to be used in forming spunlaced webs. Refer to column 13, lines 14-12.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to Daponte to use fibers of the recited length motivated by the fact Takeuchi et al teaches them to be known to be used in spunlaced webs, of which both references are drawn to. The folded and interleaved limitations of claim 20 are considered an obvious structure used to store and dispense the product.

8. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al in view of Daponte.

Takeuchi et al teaches a textured, spunlaced (i.e. spunbonded or hydroentanglement), nonwoven web. The fiber length is 29-70mm. Refer to the Abstract, figures 1, 2 and column, 4, lines 37-45, column 5, lines 30-38 and column 6, lines 18-23 in Takeuchi et al. While Takeuchi et al teaches that the web can be embossed, they do fail specifically teach the recited area of the valleys of the embossments.

Daponte discloses an embossed spunlaced web containing square valleys 26 with an area of 3.18mm^2 ($1.59\text{mm} \times 1.59\text{mm}$).

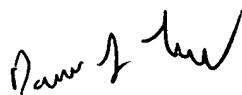
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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Takeuchi et al to form embossments of the size recited motivated by the fact Daponte teaches they are known to be used in spunlaced webs, of which both references are drawn to.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney
Primary Examiner
Art Unit 1772

DJLD.Loney
09/30/05